

COACHELLA VALLEY MOUNTAINS CONSERVANCY

REGULAR MEETING

73-710 Fred Waring Drive, Suite 115

Palm Desert, California

January 8, 2018 - 3:00 p.m.

Tele-conference location:

State of California, Resources Agency

1416 9th Street, Suite 1311

Sacramento, CA 95814

FINAL MINUTES

MEMBERS PRESENT:

Julie Alvis, CA Natural Resources Agency

Richard Balocco, City of Indian Wells

Kelly Claar, CA State Parks

John Donnelly, Wildlife Conservation Board

Kathleen Fitzpatrick, City of La Quinta

Shelley Kaplan, City of Cathedral City (*Chairman*)

Lisa Middleton, City of Palm Springs

Glenn Miller, City of Indio

Betty Sanchez, City of Coachella

Joan Taylor, CA Governor's Appointee

Ellen Lloyd Trover, Senate Rules Committee Appointee
(*Vice-Chairwoman*)

Susan Marie Weber, City of Palm Desert

Ted Weill, City of Rancho Mirage

Jacqueline Wong-Hernandez, CA Department of Finance

MEMBERS ABSENT:

Buford Crites, State Assembly Appointee

Eddy Konno, California Department of Fish & Wildlife

Larry Olinger, Agua Caliente Band of Cahuilla Indians

Manuel Perez, County of Riverside 4th District

Anayeli Zavala, City of Desert Hot Springs

STAFF PRESENT:

Jim Karpiak, Executive Director
Kerrie Godfrey, Associate Director
Diana Rosas, Associate Governmental Program Analyst

OTHERS PRESENT:

Philip Bettencourt, La Quinta resident
Tammy Martin, Friends of the Desert Mountains

1.0 Call to Order & Introductions

Chairman Ted Weill declared a quorum with 13 voting members present at 3:02 p.m. Subsequently, Betty Sanchez from the City of Coachella arrived, bringing the quorum to 14 voting members. Chairman Weill welcomed two new members, Lisa Middleton from the City of Palm Springs and Jacqueline Wong-Hernandez from the California Department of Finance.

2.0 Approval of November 13, 2017 Meeting Minutes

A motion was made and seconded (Fitzpatrick/Kaplan) to approve the minutes of the November 13, 2017 meeting; the motion passed with 3 abstentions.

3.0 Public Comments on Items Not on the Agenda

Philip Bettencourt introduced himself as an interested stakeholder from the City of La Quinta.

4.0 Closed Session

No matters were scheduled for the closed session on the agenda.

5.0 Action Items – Public Hearing

5.1 Elections of Chair and Vice-Chair.

Jim Karpiak stated that once a year, a new Chair and Vice-Chair are elected. The statute limits the eligibility to serve in these offices to the representatives of the cities, counties, tribes, governor's assembly and the senate appointees. Jim asked for nominees.

Ellen Trover nominated Shelley Kaplan for Chair, it was seconded by Ted Weill. Shelley Kaplan nominated Ellen Trover for Vice-Chair, it was seconded by Kathleen Fitzpatrick.

Ted Weill confirmed the nominations for Chair and Vice-Chair. A motion was made and seconded (Miller/Balocco) to nominate Shelley Kaplan as the new Chairman and Ellen Trover as the new Vice-Chairwoman. The motion passed unanimously. Ted Weill welcomed the new Chair and Vice-Chair, and Chair Kaplan took over the gavel. Board member thanked Ted Weill for his service as Chair since 2016.

5.2 Approval of meeting schedule for calendar year 2018.

Shelley Kaplan stated the Board's meetings are held on the second Monday during the odd numbered months except for November this year due to Veterans Day. November's meeting will be held on the third Monday. Shelley asked if there were any objections to approving the schedule by acclamation, and hearing none, declared the schedule approved.

5.3 Adoption of Resolution 2018-01 in appreciation of former Board Member Chris Mills.

Jim Karpiak stated that Chris Mills was one of the Board's longest serving members: he represented Palm Springs for over sixteen years, serving as board Vice-Chair and assisting with presenting the multiple species plan to that City's residents. He was instrumental in the final stages of the Shadow Rock transaction and provided help on many other projects in Palm Springs. The staff highly recommends approval of the resolution thanking him for his service.

A motion was made and seconded (Middleton/Miller) to adopt Resolution 2018-01 in appreciation of former Board member Chris Mills. The motion passed unanimously.

5.4 Adoption of Resolution 2018-02 approving a local assistance grant to the Friends of the Desert Mountains for acquisition of approximately 576.58 acres in the Desert Tortoise Linkage Conservation Area.

Jim Karpiak stated that the property consists of seven large parcels all above Dillion Road. Five parcels are located northwest of Berdoo Canyon Road and two parcels, side by side, lie southeast of Berdoo Canyon Road. Five of the parcels border Bureau of Land Management (BLM) land and two parcels are close to other land owned by BLM or the Friends of the Desert Mountains (Friends), making for efficiency in management and potential future transfer to the federal government or Joshua Tree Nation Park (JTNP). This conservation area is

important for the Desert Tortoise and as a wildlife corridor coming down from JTNP. The total price is \$215,000 or \$372 per acre, a very reasonable price, and staff recommends approval. Jim noted for the record that two board members, Buford Crites and Joan Taylor, also serve on the Friends board. However, the Attorney General has advised that there is no conflict of interest under the law as both are unpaid volunteers of a non-profit, so no recusal is required.

A motion was made and seconded (Trover/Fitzpatrick) to adopt Resolution 2018-02 approving a local assistance grant to the Friends of the Desert Mountains for acquisition of approximately 576.58 acres in the Desert Tortoise Linkage Conservation Area. The motion passed unanimously.

5.5 Consideration of Long Term Shumway Ranch Preservation Options.

Jim Karpiak stated that no applications were received in response to the RFP seeking a lessee/operator of the Shumway Ranch, so the Conservancy will manage the site for now. The ad hoc planning committee organized by staff met on November 30, 2017, including representatives from the Palm Desert Historical Society, Coachella Valley Archeological Society and University of California Riverside (UCR), along with a retired Executive Director of the Coachella Valley Museum and several CVMC board members with a strong interest in Shumway or with expertise in facility management.

The unanimous consensus was to adopt a minimalist approach, similar to the “arrested decay” policy used by DPR at Bodie State Park and elsewhere, namely, to stabilize and secure the historic buildings, allow limited visitor group use for research, public education and passive recreation. Work would include: upgrade the second floor/residential portion of the caretaker’s house; add a meeting room and kitchen to the first floor of the caretaker’s house (which is currently a garage and laundry area; install two pre-fab restrooms alongside the house; and after completion of a historic survey report by DPR (to be addressed in the next agenda item), complete any stabilization needed on the historic buildings.

The objectives of the first phase are to prevent the buildings from further decay, thus preserving the option of future restoration of the buildings, but in the meantime providing some minimal facilities for ongoing use for environmental research, preservationist visits and limited recreational purposes. The Friends and UCR have already begun conducting biological surveys, and there have been several tours by small preservationist groups. With a meeting room and

restrooms, small events or film/photo shoots could occur. Future phases such as full restoration of the houses would depend on finding an interested party and acquiring funds for proposed projects.

The rough total cost of the contemplated work would be approximately \$150,000 to \$250,000. The first step is surveying the wells, the septic tanks and the utility connections and upgrading them as needed. (The wells have been inspected and appear to be adequate and a review of the septic system will be scheduled). The surveys total \$3000-\$5000, with possible required upgrades costing up to approximately \$15,000. Next would be to contract for a historical survey report to obtain expert analysis as to what the legal requirements for this type of property are given the age. Then we would contract to make improvements to the caretaker's house and install the restrooms. A contractor has provided an estimate for rebuilding the steps, repairing the decks, flooring and some other cosmetic work, which totals about \$20,000. The cost of the pre-fab restrooms and meeting room would be \$121,000 to \$207,000. Minor road repairs are required, as the road is very difficult to maneuver without the benefit of a four-wheel-drive vehicle. Finally, the historic structures would be stabilized as needed per the historic survey report. Our due diligence report from before closing estimated that about \$15,000 to \$30,000 worth of repairs would be needed to stabilize them. The cost of construction and public works management are being estimated at \$30,000 to \$50,000.

Funding is available from Prop 12 and Prop 40 bond balances, currently totaling \$685,000. The Conservancy is under pressure to spend those funds due to the age of the bonds; they were originally enacted in 2000 and 2002. If the money isn't used by the time the current appropriations expire, it may be difficult to get them renewed. Also, there is \$17,693,201.66 remaining in bond funds, sufficient funding for other Conservancy projects.

Jim stated he is still talking with nonprofits on having some operating role, although retaining a nonprofit to undertake construction is legally difficult unless they take a lease interest in the property; that is unlikely to happen. As a result, we will need to use the public contracting process required of work on public property. Jim has had discussions with the Department of Parks & Recreation Southern California Service Center regarding a possible inter-agency agreement. With this agreement, the Conservancy would pay DPR, which would manage the bidding and contracting of the work. Other options would be to contract with a local city public works department, or using the Department General Services in Sacramento may be another option (although this has proven difficult in the

past). Jim thinks it may be best to work with DPR since we are administratively associated with them.

Jim stated that today he is seeking the Board's conceptual approval of moving forward with phase one; staff will return to the board to consider individual contracts or interagency agreements for specific amounts of money once we have worked them out.

Susan Marie Weber asked if the Conservancy has been able to get any city to manage this project, and Jim said no but we are still trying. She said that although the historical society was very excited about it, they just don't have the capability of having anyone run it. Susan feels we will be hearing from other organizations that will be pleased that Shumway is preserved, and she supports the project.

Glenn Miller asked Jim when he thought we would have a caretaker at Shumway once the repairs are complete. Jim thinks it may be six to eight months, depending on the contracting process used. Glenn is in agreement with moving forward.

Betty Sanchez asked why not go with a matching restroom instead of a pre-fab. Jim responded we would do our best to match the caretaker's house as it is the newer of the buildings; the pre-fab restroom could be painted to match.

Ellen Trover stated that Nina Shumway came to the Coachella Valley in the early 1900's; her father was one of the early pioneers. Nina later married Paul Shumway and they began a Date Palm business. They homesteaded this property and it was the last grazing homestead in the state. History states that Nina and Paul literally hand-built the house in the 1930s and 1940s. It was in private ownership until it was left to The Living Desert about 15 years ago. Unfortunately, The Living Desert never utilized the property to its full potential; they let it sit. Shumway Ranch has fantastic views of the Coachella Valley and it sits on habitat sensitive ground, allowing conservationists and biologists to conduct studies. Ellen mentioned that local universities have shown interest in using the property for retreats and other such events in the future; which would help prevent further deterioration and inform the public of this interesting property. Having a caretaker present and bringing in groups, would give Shumway Ranch the visibility need to ultimately find a nonprofit operator.

Kathleen Fitzpatrick asked if the contribution to a nonprofit operator from The Living Desert had an expiration date. Jim responded that they contemplated a three year period, but believes they would extend. Kathleen asked whether there was a chance DPR may ultimately manage Shumway. Jim stated that it has been considered, but DPR so far has declined to consider it, citing cost and staffing issues. Kathleen is very supportive of using a public works or DPR to move this project forward.

Shelly Kaplan asked if there is a description of caretaker's responsibilities. Jim replied that there is nothing in writing yet; the person interested in the house is well known in the community and works for a conservation organization. We would enter into an agreement with them regarding certain services in exchange for living there and the caretaker would pay utilities.

Kathleen Fitzpatrick would like to approve the conceptual project as described in the staff report. A motion was made and seconded. (Fitzpatrick/Trover) The motion passed unanimously.

- 5.6 Adoption of Resolution 2018-03 authorizing the Executive Director to enter into an interagency agreement with the California State Office of Historic Preservation/Department of Parks and Recreation for the preparation of a historic survey report for the Shumway Ranch preservation project.

Jim Karpiak reported that preparation of historic survey report (HSR) is typically the first step in the preservation process for public historic buildings. The California State Office of Historic Preservation, a division of DPR, has the expertise to prepare the HSR for an approximate cost is \$25,000 to \$40,000. Essentially, the HSR is a survey of the property, researching the history, documenting information and legal requirements given the age and history. It would establish whether the buildings are eligible for federal or state listing, or if not, determine if they are eligible for some other preservation listing. It would also give direction about steps to be taken to stabilize the buildings and what would need to be done if they were to be restored. For example, in some cases, late additions to buildings need to be removed to comply with federal or state guidelines. The HSR would be a baseline report for future preservation, maintenance and restoration work, if any. Preparation of the HSR is categorically exempt from CEQA as a feasibility and planning study. Staff recommends approval of the resolution. Jim noted a minor change to the

resolution; after publication of the agenda, DPR notified Jim that they might assign the work to a contractor under a master agreement with DPR.

A motion was made and seconded (Sanchez/Weber) authorizing the Executive Director to enter into an interagency agreement with the California State Office of Historic Preservation/Department of Parks and Recreation for the preparation of a historic survey report for the Shumway Ranch preservation project. The motion passed unanimously.

5.7 Annual Review of Acquisition Priorities and Update on Status of Acquisition Program.

Jim Karpiak stated the acquisition process is complex and dynamic; what the Board usually sees is only the end result. The standing direction from this Board to staff is found in the Board's acquisition priorities which are in the packet; they were last updated in 2017. The history of the priorities follows the organization's history. Initially, when the Conservancy was founded, the focus was on the mountains which are now the Santa Rosa and San Jacinto Mountains National Monument. When the multiple species plan was adopted in 2008, the Conservancy's jurisdiction was expanded by statute to include the territory under the plan which runs from Banning to the Salton Sea and all the way up to Joshua Tree National Park. In 2007, the first version of these policies were drafted and reflected extensive planning with Coachella Valley Association of Governments (CVAG) and the Coachella Valley Conservation Commission (CVCC) and other partners. Policy priorities were based on the biological or cultural importance of the property and the threat of development and economic trends; those priorities change over time in light of such factors as the drought and real estate market trends.

Further, our progress requires changes, for example when we have acquired most of the privately-owned land in a given area, we no longer need to work in that area. We revised the acquisition priorities in 2013 and again last year, when the board added new priorities in the eastern Coachella Valley (i.e., the Dos Palmas and Stormwater areas). Staff believes it is important for the Board to weigh in on the priorities from time to time, hence this item's annual appearance on the agenda. Staff does not recommend any changes this year. Jim noted that the CVCC acquisitions that we handle as CVCC's acquisitions manager, are governed by the priorities of the CVCC board and are somewhat different. This document addressed the priorities for the use of CVMC grant funds, noting that our mission is somewhat broader than CVCC's – e.g., CVMC acquires property

for water conservation purposes or recreation, not just the habitat issues that CVCC focuses on, and CVMC can acquire property outside conservation areas if it serves our mission. We do coordinate closely with CVCC and other partners, such as the Friends of the Desert Mountains, which in turn has access to other sources of funds for the wilderness areas. Jim then introduced Kerrie to present an update on specific areas and acquisitions.

Kerrie Godfrey stated the Conservancy's territory extends west from the Banning Pass to the Salton Sea area, north to Joshua Tree National Park (JTNP) and south to the National Monument. The multiple species plan creates 21 conservation areas along that protect 40 different species; more than 747,000 acres have been conserved between all the permittees. CVCC generates funding for the plan through developments outside the conservation areas, which pay mitigation fees to help acquire the conservation land. These funds are also leveraged using other sources such as CVMC bond funds, and federal funds from the Endangered Species Act. The baseline acreage we've conserved prior to 1996 is approximately 496,000 acres. Since 1996, we have conserved an additional 91,000 acres. Since implementation of the plan in 2008, we have acquired an additional 27,000 acres, leaving approximately 132,000 remaining acres to conserve.

In the Coachella Valley Stormwater Channel and Delta, the Conservancy has partnered with the CVCC to acquire approximately 800 acres in this area. CVCC is now in negotiations with a land owner to acquire 39 additional acres; we hope to put some of the Conservancy's water bond funds to work on wetlands restoration projects there.

In the Dos Palmas conservation area, the Conservancy has acquired 3500 acres since 2013. Most of these acquisitions are adjacent to the Dos Palmas Preserve and in the heart of the Salt Creek Area of Critical Environmental Concern (ACEC), which includes land owned by the Bureau of Land Management (BLM). The long term plan is to transfer some of these properties to BLM for inclusion into the ACEC.

The Conservancy is working hard in the Thermal Canyon Wildlife Movement Corridor. As early as 2002, we began work in this area as well as in the Desert Tortoise Linkage, Mecca Hills and the Orocopia Mountain areas, acquiring approximately 8900 acres. We are still working on contacting landowners who hold the last remaining private holdings in those areas.

Since 2002, we have acquired about 8200 acres of the southern Santa Rosa Mountains, part of the National Monument. On the north side of our territory near JTNP is the Conservancy's biggest acquisition to date, consisting of approximately 8800 acres. The Conservancy's contribution was approximately \$11,000,000.00. In recent years, the Conservancy has continued acquisitions along the boundary of JTNP with a long term plan of transferring these properties to the Park Service. The Conservancy also plans to synchronize a trail system from the valley floor to various existing trails in the National Park.

On the west side of the valley, we've had several large projects, the most complicated being the Palmwood project, a three-phased partnership approach with 10 years of negotiations with multiple landowners and foreclosure proceedings, where investors lost millions of dollars. The Conservancy was finally able to acquire all 1781 acres for conservation. Since 2008, on behalf of CVCC, we arranged acquisition of additional acreage in Upper Mission Creek, Morongo Wash and Willow Hole conservation areas, totaling approximately 6600 acres. We've also worked in the Snow Creek, Cottonwood Canyon, Whitewater Canyon and Whitewater Floor Plain areas. Our most recent purchase of 1200 acres is in Stubbe Canyon, where the Pacific Crest Trail runs through it. Currently, we are in negotiations for 338 acres in the Whitewater Flood Plain, 474 acres in the Whitewater Canyon area and 165 acres in the Stubbe Canyon.

The south side of our boundary is largely made up of the National Monument. Recent acquisitions include Angel Cove (2012) and Shadow Rock (2014), which total about 360 acres. The area provides critical habitat and a migration corridor for the Bighorn Sheep. The City of Palm Springs has made protection of the Chino Cone a high priority as well, and is currently in the process of taking title and long term management responsibilities for those properties.

Joan Taylor asked about reference in the staff report to the Stormwater/Delta Channel project being 5% complete: what is the metric for that, how much is CVCC accomplishing, and what are the issues that are delaying progress? Kerrie responded that this project is fairly new, beginning in 2014. Two appraisals were completed, one for the Army Corp of Engineers project and one for the Crissal/LeConte's Thrasher species. We had several landowners that were interested in selling and some that wanted to keep their established land for duck hunting. We are still negotiating with one landowner for a lot split where he will keep two parcels and we will acquire the remaining 3 parcels; we are hopeful that there may be more of this type of acquisitions in the future.

Shelly Kaplan asked if this information, maps and the supporting maps could be emailed out to the Board; Kerrie said absolutely.

Shelley went on to say that looking at what is available in terms of remaining funds, approximately \$17.6 million, was divided by for example \$1500 per acre, it gives us the capacity to buy about another 11,000 acres. Is there other funding coming through that could help continue the process. Jim Karpiak responded, yes, there is CVCC funding through developer fees and federal Section 6 funds remaining of about \$2,000,000. In addition, the Wildlife Conservation Board will normally match funds with the Conservancy on Section 6 projects.

6.0 Reports

6.1 Written Reports from Staff.

Jim Karpiak reported there are no updates.

6.2 Executive Director Report.

Jim Karpiak stated that work on the Kim Nichols Trail is nearing completion and we hope to be finished in the next couple of weeks. Things are moving rapidly forward as the Friends of the Desert Mountains, our partners on this, are stewarding providing a lot of qualified volunteers.

The Conservancy is working with CVWD and the Bureau of Reclamation to obtain encroachment permits for parts of the East Indio Hills Trail. Once the Kim Nichols Trail is complete, we plan to return to the work on the BLM part of this trail, which contains the main part of the trail.

Regarding the Pushawalla Trail, consent is needed from the landowner pursuant to the requirements of the Metropolitan Water District, which has given us an encroachment permit. We have communicated with the landowner and are waiting on a response. If we are unsuccessful and need to consider legal options, the Board will be updated at future meetings.

There is a bond measure on the ballot in June, passed by the legislature as SB5. At the last meeting, Jim reported that the Resources Agency asked us to be prepared with an implementation program in July, should the bond pass in June. Last month, we learned that the Agency did not schedule an appropriation for the Conservancy for the upcoming fiscal year, as we still have other bond funds to

use for our programs. As a result, if the bond measure passes in June, we will have until July 1, 2019 to put together a program to begin spending that money.

For those of you who have been following the proposed Paradise Valley project in the Shaver's Valley east of Coachella, there is a new comment period deadline for the Environmental Impact Report (EIR) which was circulated at the end of December; comments are due by March 19, 2018. See the County of Riverside Department of Planning website if you are interested, it's about 1100 pages. Comments from the public are invited.

6.3 Board Member comments and reports from Conservancy member agencies. This is an opportunity for any of the Governing Board Members to present a report on matters of interest regarding the agency he or she represents.

There were no comments or reports from the Board Members.

7.0 Adjourn to the March 12, 2018 meeting at 3:00 p.m. The meeting was adjourned without objection at 3:57 p.m.